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11 *Attorney for Defendant Anastasia Popova*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 ILIA N. ZAVIALOV, in the right of and for  
15 the benefit of DREAM MARRIAGE GROUP,  
16 INC.,

17 Case No: 2:13-cv-02090-JAD-VCF

18 Plaintiff,

19 vs.

20 ANASTASIA POPOVA, DOES 1 through  
21 50, Inclusive,

22 **STATEMENT REGARDING  
REMOVAL**

23 Defendants,

24 -and-  
25 DREAM MARRIAGE GROUP, INC.,

26 Nominal Party.

27 Defendant Anastasia Popova (hereinafter “Defendant”) submits the following statement  
28 regarding removal pursuant to the Court’s order [Dkt. 3] of November 13, 2013:

29 1. Date Complaint Was Served: Defendant was served on October 15, 2013.

30 Copies of the documents served on Defendant are attached to the Petition for Removal [Dkt. 1] as

1 Exhibit A pursuant to 28 U.S.C. § 1446(a). To Defendant's knowledge, no other defendant has  
2 been properly served with process.

3       2.     Date Summons Was Served:   Defendant was served on October 15, 2013.  
4 Copies of the documents served on Defendant are attached to the Petition for Removal [Dkt. 1] as  
5 Exhibit A pursuant to 28 U.S.C. § 1446(a). To Defendant's knowledge, no other defendant has  
6 been properly served with process.

7       3.     Diversity Jurisdiction:   Plaintiff is a citizen of the State of Washington. *See, e.g.,*  
8 Verified Compl. ¶ 1.

9               Defendant is a citizen of the State of California. *See, e.g.,* Verified Compl. ¶ 1.

10              Dream Marriage Group, Inc. is a nominal defendant. *See, e.g.,* Verified Compl. ¶ 1. For  
11 removal purposes, the citizenship of a nominal party is disregarded. *Roth v. Davis*, 231 F.2d 681,  
12 683 (9th Cir. 1956). Furthermore, a nominal party is not required to join in the Notice of Removal  
13 for this reason. *See* 28 U.S.C. § 1441(a); *Knutson v. Allis-Chalmers Corp.*, 358 F. Supp. 2d 983,  
14 991 (D. Nev. 2005) (*Hewitt v. City of Stanton*, 798 F.2d 1230, 1233 (9th Cir. 1986)).

15              For removal purposes, the citizenship of Does 1-50, inclusive, is disregarded. *See* 28  
16 U.S.C. § 1441(a); *Hewitt*, 798 F.2d at 1233.

17              Complete diversity exists between all active parties to this litigation.

18              The amount in controversy in this action exceeds \$75,000.00. The Verified Complaint  
19 alleges "Defendant has diverted approximately \$1,200,00.00, of which \$740,000.00 is liquid cash"  
20 that Plaintiff seeks to recover. *See, e.g.,* Verified Compl. ¶ 32.

21              In sum, Plaintiff is a citizen of Washington, and Defendant is a citizen of California. The  
22 amount in controversy exceeds \$75,000.00, exclusive of costs and interest. Therefore, the Court  
23 has diversity jurisdiction pursuant to 28 U.S.C. § 1332.

24        4.     Notice of Removal Was Timely:   Defendant was served on October 15, 2013.  
25 Defendant filed the Petition for Removal on November 13, 2013, within the 30-day time limit  
26 allowed under 28 U.S.C. § 1446(b). Upon information and belief, no other defendant has been  
27 served with process.

28

5. Action Commenced More Than One Year Before Date of Removal: This action was not commenced in state court more than one year prior to the date of removal on November 13, 2013.

6. Name(s) of Any Defendant(s) Known to Have Been Served Before Removal Filed:  
Upon information and belief, no other defendants have been served with process.

DATED this 26<sup>th</sup> day of November, 2013.

# WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP

By: /s/ Bradley Schrager, Esq.  
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*Attorney for Defendant Anastasia Popova*

## **CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP, and that on the 26<sup>th</sup> day of November, 2013, I served a true and correct copy of the foregoing STATEMENT REGARDING REMOVAL upon all counsel of record by electronically serving the document using the Court's electronic filing system.

By /s/ Michael J. Hannon

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Michael J. Hannon, an Employee of  
WOLF, RIFKIN, SHAPIRO, SCHULMAN &  
RABKIN, LLP